

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

THE BOARD OF EDUCATION OF THE :
APPOQUINIMINK SCHOOL DISTRICT, :
and THE DELAWARE DEPARTMENT :
OF EDUCATION, :

Plaintiffs, Counterclaim :
Defendants, and :

VALERIE WOODRUFF, SECRETARY OF :
EDUCATION, :

Counterclaim Defendant, :

MR. and MRS. SQJ, IV, :
parents of SQJ, V, :

Defendants, and :

MR. AND MRS. SQJ, IV individually :
and on behalf of their son, SQJ, V, :

Counterclaim Plaintiffs. :

C.A. No. 06-770-JJF

**STIPULATION AND ORDER
DISMISSING COUNTERCLAIM**

The parties hereby stipulate and agree to the dismissal of the Counterclaim filed in the above matter as follows:

1. On or about December 18, 2006, the Board of Education of the Appoquinimink School District ("the District") and the Delaware Department of Education ("the Department") filed a civil action seeking judicial review of an administrative due process panel decision under the Individuals With Disabilities Education Act.

2. On or about January 8, 2007, Mr. and Mrs. SQJ, IV filed a Counterclaim

against the District, the Department, and the Secretary of Education alleging violations of Section 504 of the Rehabilitation Act, the Americans With Disabilities Act, the Individuals With Disabilities Education Act, and 42 U.S.C. § 1983.

3. The parties stipulate and agree, subject to approval by the Court, the Counterclaim filed by Mr. and Mrs. SQJ, IV shall be dismissed with prejudice.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

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IT IS SO ORDERED this _____ day of _____, 2007.

The Honorable Joseph J. Farnan, Jr.